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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER SANDERS, AARON J	
			ART UNIT 2168	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/800,708	Applicant(s) GOTOH, HIROSHI	
	Examiner AARON SANDERS	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 October 2007 has been entered.

### ***Response to Amendment***

Applicant's amendment filed 31 October 2007 has been entered. Claims 1-3, 5-8, and 10 are pending. Claims 1-2, 5-7, and 10 are amended. Claims 4 and 9 are cancelled.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: A Client/Server System for Recording Rented Digital Media on a Digital Recording Device.

### ***Claim Objections***

As per claims 2, 5, and 7, it is unclear what the "other information reproduced by the client" is or refers to, since there is no prior mention of it in the claims.

Claims 2, 5, 7 include several different types of "information," which are not always clearly distinguishable from each other, e.g. "usage information" versus "characteristic

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information,” rendering the claims indefinite. “Usage information” is clear, but “information” alone is not when there are several types of information claimed.

As per claim 2, the last limitation refers to “said providing step,” but there is no such step in the claim.

As per claims 5-6, the phrase “configured to” renders the claims indefinite because it is not clear whether the following step must be performed, or if it simply may be performed.

***Claim Rejections - 35 USC § 112, First Paragraph***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 5, 7, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

As per claims 1-2, the specification does not appear to disclose that “a client is directly connected to a server via a network” (from claim 1).

As per claims 1-2, 5, 7, and 10, the specification does not appear to disclose “the characteristic information identifying the information recording medium” (from claim 1).

As per claims 1-2, 5, 7, and 10, the limitation “wherein the other information reproduced by the client is recorded on the information recording medium prior to said providing step” (from claim 1) does not appear in the specification.

As per claim 5, the “storage part” and “processor” do not appear in the specification.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The specification does not explicitly define the term “computer-readable recording medium.” Thus, the Examiner must apply the broadest reasonable interpretation to the term, which means the “computer-readable recording medium” could include carrier waves. As such, the instant claims are non-statutory.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takano, U.S. 2002/0082917 (Takano).

As per claims 1-3, 5-8, and 10, Takano teaches:

1. Takano teaches *“A method of reproducing information in a client/server system where a client is directly connected to a server via a network, the method comprising the steps of,”* see [0002], *“content programs distribution and returning system as well as content programs rental method that allows charging in accordance with usage time period.”*

Takano teaches *“providing an information recording medium containing characteristic information and having other information recorded thereon, the characteristic information identifying the information recording medium,”* see Figs. 7, 11, [0078], *“First, in step S701, a card ID and management information in card 150 are read,”* [0091], *“The card 150 includes... management information storing unit 1103 recording rental management information,”* and [0093], *“More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like)”* where the claimed *“characteristic information”* is the referenced *“card ID”* and the claimed *“other information”* is the referenced *“file name, title, due date... and the like.”*

Takano teaches *“the client obtaining the characteristic information of the information recording medium,”* see Fig. 7 and [0078], *“First, in step S701, a card ID and management information in card 150 are read”* where the claimed *“client”* is the referenced *“kiosk returning terminal”* 110.

Takano teaches *“the client transmitting the characteristic information to the server,”* see Figs. 1, 13, [0098], *“When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the*

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user information (FIG. 13) to determine whether the user is a member of the package rental,” and [0097], “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*the server obtaining usage information of the information recording medium based on the characteristic information,*” see Fig. 8A and [0080], “In S801, information from kiosk returning terminal 110 is received. Based on this information, in S802, whether the card 150 is in a state of renting a content program or not is determined. When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*subsequently, the server, transmitting information based on the usage information to the client,*” see Fig. 7, [0081], “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806,” and [0080], “In S805, a customized list is taken out, from preference ID data prepared based on the use history record of the user, from management data recording apparatus 408. In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110.”

Takano teaches “*and subsequently, the client reproducing the other information recorded on the information recording medium in accordance with the information based on the usage information,*” see Fig. 7 and [0081], “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806 displays the data on display unit 203 in S704.”

Takano teaches “*wherein the other information reproduced by the client is recorded on the information recording medium prior to said providing step,*” see Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see [0078], “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

2. Takano teaches “*A method of reproducing information using an information recording medium in a client/server system, where a client is directly connected to each of a first server and a second server via a network, the method comprising the steps of,*” see [0002], “content programs distribution and returning system as well as content programs rental method that allows charging in accordance with usage time period.”

Takano teaches “*the client obtaining characteristic information of the information recording medium, the characteristic information identifying the information recording medium,*” see Figs. 1, 7, and [0078], “First, in step S701, a card ID and management information in card 150 are read” where the claimed “client” is the referenced “kiosk returning terminal” 110 and the claimed “characteristic information” is the referenced “card ID.”

Takano teaches “*the client transmitting the characteristic information to the first server,*” see Figs. 1, 13, [0098], “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and



[0097], “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13. The claimed “first server” is the referenced “server” 101.

Takano teaches “*the first server obtaining usage information of the information recording medium based on the characteristic information,*” see Fig. 8A and [0080], “In S801, information from kiosk returning terminal 110 is received. Based on this information, in S802, whether the card 150 is in a state of renting a content program or not is determined. When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*the first server transmitting first information based on the usage information to the second server containing second information,*” see Fig. 8 and [0080], “In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110” where the claimed “second server” is the referenced “kiosk management server” 170.

Takano teaches “*the second server transmitting said second information to the client in accordance with the first information based on the usage information,*” see Figs. 7-8 and [0080], “In S805, a customized list is taken out, from preference ID data prepared based on the use history record of the user, from management data recording apparatus 408. In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110.”

Takano teaches “*and the client reproducing the information based on the second information received from the second server,*” see Fig. 7, S704, and [0081], “Returning to FIG.

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7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806 displays the data on display unit 203 in S704.”

Takano teaches “*wherein the other information reproduced by the client is recorded on the information recording medium prior to said providing step,*” see Fig. 11 and [0093], “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like),” where the claimed “other information” is the referenced “file name, title, due date... and the like.” See also Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701; see [0078], “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

3. Takano teaches “*The method as claimed in claim 2, wherein the client transmits the characteristic information to the first server via the second server,*” see Fig. 7, S702, “Transmit card management information and own terminal information to distribution center via kiosk management server,” where the claimed “first server” is the referenced “distribution center.”

5. Takano teaches “*A server providing information to a client using an information recording medium in response to a request of the client, the server comprising,*” see Fig. 1, “Electronic Content Programs Distributing and Returning Center Server” 101.

Takano teaches “*a storage part configured to store a program,*” see Fig. 4 and [0071], “a large capacity storing apparatus 406 implemented by a hard disc and storing content programs data.”

Takano teaches “*and a processor configured to implement a first part, a second part, and a third part in accordance with the program,*” see Fig. 4 and [0071], “a control unit 402 including a CPU.”

Takano teaches “*wherein a first part is configured to receive characteristic information of the information recording medium from the client, the characteristic information identifying the information recording medium,*” see Figs. 1, 8A, 13, [0080], “In S801, information from kiosk returning terminal 110 is received,” [0098], “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and [0097], “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*a second part is configured to obtain usage information of the information recording medium based on the characteristic information,*” see Fig. 8A and [0080], “When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*a third part is configured to transmit to the client information on authorization of reproduction of information from the information recording medium based on the usage information, to enable the reproduction of said information from the information recording medium,*” see Fig. 1 and [0085], “When the title to be rented is determined, card information is transmitted to electronic content programs distributing and returning center server 101 in S934, user authentication is performed, payment of rental fee takes place and, thereafter, through large capacity communication unit 301, data is read and recorded on the card 150 from the electronic content programs distributing and returning center server 101.”

Takano teaches “*and the other information reproduced by the client is recorded on the information recording medium before the first part receives the characteristic information,*” see Fig. 11 and [0093], “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like),” where the claimed “other information” is the referenced “file name, title, due date... and the like.” See also Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see [0078], “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

6. Takano teaches “*The server as claimed in claim 5, wherein the processor is configured to further implement a fourth part and a fifth part, the fourth part is configured to receive from the client the characteristic information of the information recording medium and notification*

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*requesting stoppage of usage of the characteristic information,”* see [0082], “When kiosk returning terminal 110 confirms whether content programs erasing process may be executed or not to electronic content programs distributing and returning center server 101 (via kiosk management server) in S720, electronic content programs distributing and returning center server 101 receives return confirmation information in S811. When return condition is satisfied, the center server instructs erasure of the content program in S812. In response, kiosk returning terminal 110 performs content program erasing process in S721. Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program” where the claimed “characteristic information” is the referenced “card management information” and the claimed “client” is the referenced “kiosk returning terminal.”

Takano teaches “*and the fifth part is configured to delete the usage information of the information recording medium based on the characteristic information,”* see [0082], “Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program” where the claimed “characteristic information” is the referenced “card management information” and the claimed “usage information”, as shown in [0078], “Card management information stores a title, a rental due date and the like”, is included in the referenced “card management information.”

7. Takano teaches, “*A computer-readable recording medium, comprising: a part for storing a program for causing a computer to execute a method, the method comprising the steps of,*” see Fig. 4 and [0055], “Electronic content programs distributing and returning center server 101 incorporates a program for distributing and returning electronic content programs on a server computer.”

Takano teaches “(a) receiving, based on a request of a client using an information recording medium, characteristic information of the information recording medium from the client, the characteristic information identifying the information recording medium,” see Figs. 1, 8A, 13, [0080], “In S801, information from kiosk returning terminal 110 is received,” [0098], “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and [0097], “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “(b) obtaining usage information of the information recording medium based on the characteristic information,” see Fig. 8A and [0080], “When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “and (c) transmitting to the client information on authorization of reproduction of information from the information recording medium based on the usage information, and thereby enabling the reproduction of said information from the information recording medium,” see Fig. 1 and [0085], “When the title to be rented is determined, card information is transmitted to electronic content programs distributing and returning center server 101 in S934, user authentication is performed, payment of rental fee takes place and, thereafter,

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through large capacity communication unit 301, data is read and recorded on the card 150 from the electronic content programs distributing and returning center server 101.”

Takano teaches “*wherein the other information reproduced by the client is recorded on the information recording medium before the characteristic information is received,*” see Fig. 11 and [0093], “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like),” where the claimed “other information” is the referenced “file name, title, due date... and the like.” See also Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see [0078], “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

8. Takano teaches “*The computer-readable recording medium as claimed in claim 7, wherein the method further comprises the steps of: (d) receiving from the client the characteristic information of the information recording medium and notification requesting stoppage of usage of the characteristic information,*” see [0082], “When kiosk returning terminal 110 confirms whether content programs erasing process may be executed or not to electronic content programs distributing and returning center server 101 (via kiosk management server) in S720, electronic content programs distributing and returning center server 101 receives return confirmation information in S811. When return condition is satisfied, the center server instructs erasure of the content program in S812. In response, kiosk returning terminal 110 performs content program erasing process in S721. Content program erasure refers to

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overwriting of card management information so as to make it impossible to read the content program” where the claimed “characteristic information” is the referenced “card management information” and the claimed “client” is the referenced “kiosk returning terminal.”

Takano teaches “*and (e) deleting the usage information of the information recording medium based on the characteristic information,*” see [0082], “Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program” where the claimed “characteristic information” is the referenced “card management information” and the claimed “usage information”, as shown in [0078], “Card management information stores a title, a rental due date and the like”, is included in the referenced “card management information.”

10. Takano teaches “*A computer-readable recording medium, comprising: a part for storing a program for causing a computer to execute a method, the method comprising the steps of,*” see Fig. 4 and [0055], “Electronic content programs distributing and returning center server 101 incorporates a program for distributing and returning electronic content programs on a server computer.”

Takano teaches “*providing an information recording medium having characteristic information and other information recorded thereon, the characteristic information identifying the information recording medium,*” see Figs. 7, 11, [0078], “First, in step S701, a card ID and management information in card 150 are read,” [0091], “The card 150 includes... management information storing unit 1103 recording rental management information,” and [0093], “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like)”



where the claimed “characteristic information” is the referenced “card ID” and the claimed “other information” is the referenced “file name, title, due date... and the like.”

Takano teaches “*subsequently, obtaining the characteristic information of the information recording medium,*” see Fig. 7 and [0078], “First, in step S701, a card ID and management information in card 150 are read” where the claimed “client” is the referenced “kiosk returning terminal” 110.

Takano teaches “*requesting a server to provide information and transmitting the characteristic information to the server so that the server obtains usage information of the information recording medium,*” see Figs. 1, 13, [0098], “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and [0097], “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*receiving information based on the usage information from the server,*” see Fig. 7, [0081], “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806,” and [0080], “In S805, a customized list is taken out, from preference ID data prepared based on the use history record of the user, from management data recording apparatus 408. In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110.”

Takano teaches “*and subsequently, reproducing the other information recorded on the information recording medium in accordance with the information based on the usage information,*” see Fig. 7 and [0081], “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806 displays the data on display unit 203 in S704.”

Takano teaches “*wherein the other information reproduced by the client is recorded on the information recording medium before said providing step,*” see Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see [0078], “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

### ***Response to Arguments***

In response to Applicant’s arguments regarding claim 1, the recitation “where a client is directly connected to a server via a network” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

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As per Applicant's argument that Takano does not teach "providing an information recording medium containing characteristic information [for] identifying the information recording medium" as recited in claim 1, the Examiner respectfully disagrees. Specifically, the Examiner cited Figs. 7, 11, and [0078], "First, in step S701, a card ID and management information in card 150 are read," where the claimed "characteristic information" is the referenced "card ID."

As per Applicant's argument that Takano does not teach "the client transmitting the characteristic information to the server" as recited in claim 1, the Examiner respectfully disagrees. Specifically, the Examiner cited Figs. 1, 13, [0098], "When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental," and [0097], "Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID," which shows that the "server" 101 receives the "card ID" from the "client" 110 in order to lookup the member in the table of Fig. 13.

In response to Applicant's arguments regarding claim 2, the recitation that the "client is directly connected to each of a first and a second server via a network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See

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*In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to AARON SANDERS whose telephone number is (571)270-1016. The Examiner can normally be reached on M-F 9:00a-5:00p.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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